

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

JON BURGE

No. 08 CR 846

Hon. Joan Humphrey Lefkow

**GOVERNMENT'S RESPONSE TO PETITION TO REQUEST GRAND JURY
TRANSCRIPTS OF GOVERNMENT WITNESS MICHAEL MCDERMOTT**

The United States of America, by its attorney, ANDREW S. BOUTROS, respectfully responds in opposition to Dwayne Bruce's Petition to Intervene to Request Grand Jury Transcripts of Government Witness Michael McDermott (Dkt. No. 474). This request should be heard by Chief Judge Kendall per the Local Criminal Rules.

In particular, the petitioner here seeks grand jury testimony from the investigation that resulted in charges being brought against the defendant. Local Criminal Rule 6.1 provides that "[t]he chief judge shall supervise the operations of the grand jury, including empaneling and charging each grand jury at the commencement of its term, providing whatever services it may require, including a convenient place for its deliberations, entering all appropriate orders it requests, and discharging it upon completion of its deliberations or at the end of its term. All matters pertaining to grand juries shall be heard by the chief judge or his or her designee." N.D. Ill. L. Crim. R. 6.1.

Local Criminal Rule 6.2 further provides in part that aside from orders empaneling grand juries, order returning indictments, orders extending the period of

service of grand juries, and orders discharging grand juries, “[a]ll other records maintained by the clerk relating to grand juries are restricted documents and shall be available only on order of the chief judge. This includes grand jury subpoenas, ***transcripts of testimony***, the clerk’s docket of grand jury proceedings, motions and orders relating to grand jury subpoenas, true bills, and no bills.” N.D. Ill. L.R. 6.2 (emphasis added).

Accordingly, because this request concerns grand jury testimony, under Northern District of Illinois Criminal Rules 6.1 and 6.2, the matter should be heard by Chief Judge Kendall.

Respectfully submitted,

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